

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GENARD ALONZO TONEY,

Defendant.

No. 17-03135-01-CR-SW-SRB

relia
at G.T.

GOVERNMENT'S FACTUAL BASIS AND OFFER OF PROOF FOR GUILTY PLEA

Comes now the United States of America, by and through Timothy A. Garrison, United States Attorney, and Ami Harshad Miller, Assistant United States Attorney, and offers the following factual basis and offer of proof for the defendant's plea of guilty:

On May 9, 2016, Springfield, Missouri, Police Department (SPD) Officers responded to an apartment in Springfield, Missouri, a location in the Western District of Missouri. SPD Officer T. Sisco made contact with K.R., who said she met an individual, "Roxie Vaught," on the Plenty of Fish dating website and began communicating with the individual through text messages. Officer Sisco reviewed messages exchanged between K.R. and Roxie. During the messages, Roxie sent an image of a minor child sucking on the exposed breast of an adult female, which she claimed was a picture of her daughter sucking on her nipples.

On May 10, 2016, SPD Detective C. Flood identified the phone number "Roxie" was using to communicate with K.R. was (417) 812-7297 and the email address was erica2532@textfree.com. The phone number belonged to Pinger, Inc. Records from Pinger indicated that the individual using that phone number was connected to IP address of 173.17.201.203. This IP address belonged to Mediacom. Records from Mediacom indicated that the IP address was registered to Genard Toney, at an address in Springfield, Missouri.

On February 9, 2017, Greene County Sheriff's Office (GCSO) Deputy J. Rear responded to a residence in Springfield, Missouri. C.B. reported that she was receiving text messages from phone number 573-990-8264. The individual told C.B. that she was her cousin Brandie. The sender began asking questions about the genital area of a juvenile boy. C.B. became concerned about the types of questions and statements the sender was making, so she made a "status" on Facebook to verify it was her cousin Brandie. C.B.'s cousin replied on Facebook that she was not the one sending text messages and she did not know who it was. The sender also sent two images of a pre-pubescent minor male's penis.

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Exhibit: P ✓A D

Southwest Missouri Cyber Crimes Task Force Officer (SMCCTF) and GCSO Detective Joseph Fletcher reviewed the text message conversation between C.B. and the unknown phone number. During the conversation, the unknown sender told C.B. "she" had a 5-year-old son that was experiencing a problem of having frequent erections. The unknown sender told C.B. "she" thought "her" son's penis was abnormally large and said the son's penis wasn't circumcised. The unknown sender sent C.B. two images that appeared to be the penis of a pre-pubescent male, a child less than 18 years of age. The unknown sender asked C.B. if "she" should rub some "soothing oil" on "her" son's penis to try and make the erection go away. The unknown sender asked C.B., "I hope they don't do a terrible job when they cut his. You should ask your son to let you take a picture so I can see the difference that would help a lot." The unknown sender then sent, "Is that possible?" C.B. told the unknown sender she could not take a picture right then, because they had company over. The unknown sender replied, "Okay thanks because I'm freaking out here. Just tell him it will be quick like I told my son." C.B. then confronted the unknown sender that she knew the sender was not her cousin. The unknown sender told her they had been texting the wrong phone number.

TFO Fletcher was able to determine that the number was a Pinger number. Pinger did not have a subscriber name associated with the phone; however, they did have logs showing that IP address 173.17.201.203 used. This IP address was found to be registered to Mediacom. Mediacom provided records that showed the registered owner of the IP address was Genard Toney, at an address in Springfield, Missouri.

On March 31, 2017, law enforcement executed a search warrant at Toney's residence. Upon arrival, TFO Fletcher made contact with Toney at the front door. When Toney came to the front door he had a iPhone 7 in his hand, which was seized. Officers also seized: two additional cell phones located on Toney's bed, a HTC and a Cool Pad; an Apple iPad from Toney's bedroom; and three Samsung flip phones from Toney's bedroom closet. Post-Miranda, Toney gave his passcode to his Apple iPhone 7, "322225." The Cool Pad and HTC had the same passcode as Toney's iPhone 7.

SPD CFA Ryan Fraser conducted the forensic examination on the devices seized from Toney's residence. On the Cool Pad phone, the TextNow application was also installed. CFA Fraser located 283 TextNow conversations, consisting of 13,676 messages. CFA Fraser also located searches for "tiny pussy pic tumblr," "tiny amateur pussy," "tiny hairless white dick tumblr," "strawberry kid underwear," "teen boobs in bra," "teen cock in bathroom," and "uncircumsized tiny dick," among others.

Upon reviewing the TextNow conversations on the Cool Pad phone, all the TextNow conversations took place in late February 2017, through the end of March 2017. In most of the conversations, Toney was text messaging with people from the Plenty of Fish website. Generally, one of the first things Toney would ask the person he was messaging with was, whether they had any children. Toney would then use one of two different scenarios in continuing the conversation.

In the first scenario, Toney would tell the other person he had a five-year-old daughter who still latched onto "her" breasts. Toney would then send a photo of a minor female with her mouth on a woman's breast. Toney would then ask the other person if they had longer nipples than he did, and he would also ask if they would come over and let his 5-year-old daughter latch onto their nipples. If the other person said they had children, Toney would ask them to send him a picture of the children.

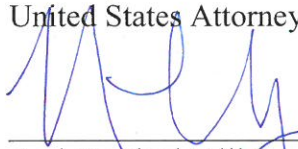
In the second scenario, the pattern was identical to the conversation Toney had with C.B.. Toney would say he had a young son, usually 4 to 6 years old, who was having bad erection problems at night. Toney would then send a picture, of a minor male child's penis. Toney would then ask the other person if their son had the same problem and ask them to take a picture of their son's penis and send it to him. Toney would even encourage the other person to pull down their son's pants while they were asleep to take the picture. Toney would ask the other person if he should try rubbing some "soothing oil," on his son's penis to get it go down. In some of the conversations, Toney would ask the other person if they would give his son a "bj."

In the photograph section of the Cool Pad, there were sexually explicit images of children less than 18 years of age. TFO Fletcher confirmed that the Cool Pad phone is manufactured outside the state of Missouri, and the TextNow application utilized the Internet to function.

Respectfully submitted,

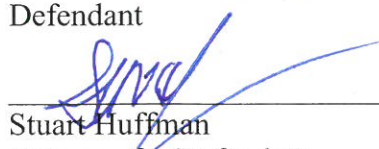
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By


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